92-1764

Supreme Court, U.S.
MAR 2 2 1993

NO.

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 1992

: EARLENE POLYAK — Petitioner

v

BUFORD EVANS & SONS — Respondents

JIM HAMILTON Individually and in Judicial Capacity, and the Circuit Court of lawrence county,

WILLIAM BOSTON And BOSTON BATES & HOLT

FRANK HULEN AND WILMA LESNANSKY

THOMAS STACK AND HENRY HENRY & STACK

EDWARD MADIGAN, U.S. Secretary of the Department of Agriculture

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
AND THE UNITED STATES DISTRICT COURT
FOR THE SIXTH CIRCUIT

EARLENE POLYAK
4063 Hood road
Palm Beach Gardens
Florida 33410
(407) 627-3564

QUESTIONS PRESENTED

1. is the disabled female land owner protected under the Equal Employment Opportunity, and the Agricultural Adjustment Act of 1938, which prohibits discrimination against disability, sex, age, race, and national origin of the Civil Rights Act of 1964,Title VI VII, as amended in Public Law 102 to strengthen civil right and 42 u.S.C. 1981 in the right of"(a) party to sue?

2. Is it unusual for the United States Court of Appeals to bar the filing of further actions,or appeals absent oral argument showing a colorable claim?

3. Is the civil right of one sibling provided the same protection,as another sibling,from intentional discrimination against federal rights under the Civil Rights Act of 1964,as amended in public law 102? And is it time Court ruled on this issue,as in other civil rights?

4.Is injunction appealable as a Right Frcivp, and under Civil Rights Act 1964.

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BUFORD EVANS & SONS

JIM HAMILTON et al.,

WILLIAM BOSTON AND BOSTON
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THOMAS STACK AND HENRY
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EDWARD MADIGAN et.al.,

PETITION FOR WRIT OF CERTIORARI
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FOR THE SIXTH CIRCUIT

Petitioner prays that a writ of certiorari issue to review the opinions of Sixth Circuit, pursuant to the Civil Rights Act of 1964,as amended in Public Law 102-166 on November 21, 1991.

Cases Nos:92-5240(D.C. 1:85-0120)Buford Evans & Sons v Earlene Polyak(counter-claim);92-5246 (D.C. 1:85-0116) Earlene Polyak v Jim Hamilton et al.,; 92-5245 Earlene Polyak v William Boston and Boston Bates & Holt(D.C.1-86-0036; 92-6530(D.C.1:84-0082)Frank Hulen and Wilma Lesnsnaky v Earlene Polyak: 92-6523(D.C. 1:87-0075)Frank Hulen and Wilma Lesnansky v Earlene Polyak; 92-6345(D.C. 1:85-0125 Earlene

Polyak v Thomas Stack and Henry Henry & Stack; 92-6347/6525(1:84-008) Earlene Polyak v Frank Hulen and Wilma Lesnansky; 92-5029(D.C. 3-92-0074)Earlene Polyak v Edward Madigan U.S.Secretary of Agriculture.

OPINIONS BELLOW

The opinions for the United States Court of Appeals are set forth in Appendix A, and the opinions for the United States District Court, Columbia Division, Middle District of Tennessee are set forth in appendix B. and any related opinions are set forth in Appendix C.

JURISDICTION

The jurisdiction of this Supreme court is invoked in the Civil rights Act pf 1964,Title VI VII, under which the Equal Employment Commission , and the Agricultural Adjustment Act of 1938 prohibits the discrimination against disability, sex, age, race, and national origin,as amended in Public law 102-166, to strengthen the civil rights, and 42 U.S.C.1981 in the right of "(a)" party to sue.

The jurisdiction of this court is invoked in the denial of petition for rehearing in 92-5240 ;January11,1993;92-5246,Jan.28,1993;92-5245,

February 22, 1993; 92-6345/6528 and92-6347/6525, February 5, 1993, and 92-6530 on February 16, 1993 and petition for writ of certiorari timely within ninety(90) days thereof 28 U.S.C 2101.

The jurisdiction of this Court is invoked in Article III sec. 2. which states that the judicial power shall extend to all cases of law and equity; between citizens of different states.

This jurisdiction is invoked in statutes 28 U.S.C. 1443;2403; 42 U.S.C. 1981;1982; 1983; Civil Rights Act of 1964; Title VI VII,Equal Employment Opportunity; Public Law 102-166: Agricultural Adjustment Act of 1938 and the Fifth, Seventh and Fourteenth Amendments.

The federal and constitutional questions of intentional discrimination against federal rights to matters of law and equity.

CONSTITUTIONAL PROVISIONS

The petinent portion of the Fifth Amendment provides as follows;

> No...person shall be deprived of life, liberty, or property without due process of law;nor shall private property be taken for public use, without just compensation.

U.S. Const. Amen. V Cl 3 & 4.

The pertinent portion of the Seventh Amendment provides:

> ...where the value of in controversy shall exceed twenty dollars, the right of a jury trial shall be preserved.

U.S. Const VII.

The pertinent portion of the Fourteenth amendment provides:

> No state shall make or enforce any laws which shall abridge the priveleges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law.

U.S. const. XIV.

28 U.S.C. 1443:Any of the following commenced in a state court may be removed by defendant to a district Court.

> (1) Against any person who is denied or cannot enforce in the courts of such state a law providing for the equal civil rights of a citizen of the United States.
>
> (2) for any Act under the color of authority deprived from any law providing for equal rights.

42 U.S.C. 1981:

> All"(a)" person whithin thejurisdiction of the United States shall have the same right "to sue,...to the full and equal benefit of all laws.

42 U.S.C. 1982:

> All persons of the United States shall have

the same right in every state...to inherit purchase lease and convey real and personal peoperty.

42 U.S.C. 1983:

Every person, who under the color of any statute, ordinance, regulation, custom, or usuage of any state...subject or cause to be subjected any citizen of the United States or person within its jurisdiction thereto the deprivation of rights and priveleges secured by the constitution and laws shall be liable at law and equity or some other proceeding for the parties.

U.S.C. 2403:

In any action...where the constitutionality of a statute affecting Public Interest drawn into question.

PUBLIC LAW I02-166 signed November 21, 1991.

...to amend the Civil Rights Act of 1964 to strengthen and improve federal civil right laws , to prohibit intentional employment discrimination, to clearify provisions regarding disparate impact actions, and for other purposes.

STATEMENT OF THE CASE

Petitioner prays that a writ of certiorari issue from this Supreme Court to review the irreparable damage in the injunction against the right to sue and right to appeal for relief, from intentional discrimination against federal right

to equal employment opportunity denied disabled senior female land owner, to federally alloted burley tobacco quota to Farm No V1754(3148), provided under rhe Agricultural Adjustment Act 1938, and place this writ of certiorari with those being held for consideration by this Court under Public Law 102-166 in 1994.

On February 19, 1993, this Court altered its calendar to consider the grant of certiorari to four cases raising different aspects of the question of whether the Civil Rights Act of 1991 applies to pending cases.Petitioner believes this case raises another aspect of race and gender discrimination to be decided in 1994 Supreme Court Action,Palm Beach Post,February 23, 1993.

The Equal Employment Opportunity, and Agriculture Adjustment Act 1938 prohibit discrimination against disability, sex, age, race, and national orgin under the Civil Rights Act of 1964, as Title VI VII, as amended in Public-Law to strengthen civil rights and 42 U.S.C.1981 in the right of "(a)"party to sue.

The United States court of Appeal dismisses or affirms without ever hearing oral argument or hearing, or hearing en banc, or petition for re-hearing en banc in docket control, all appeals from the United States District Court, Columbia Dividion in Nashville, Tennessee.

This injunction against right to sue and right to appeal to any federal court in the Six-th Circuit in 92-5240 Buford Evans & Sons v Earlene Polyak(counter-claim) on January 11,1993 was taken from Complaint and Demand for Jury Trial for review in damages 1:85-0116(appeal 92-5246)Earlene Polyak v Jim Hamilton Individually and in Judicial Capactiy(App. A.p.2).

After the Honorable Jim Hamilton, state Judge, denied Motion to Forward Records for Appeal as a Right Rule TRcivP in 10467 Evans v Polyak in state court,Petitioner filed complaint 1:85-0116 under 1983,and in couter-claim joined under 28 U.S.C. 1441(c) case denied civil right of appeal(App. A.p.12).

Case No. 92-5240 denied petition for re-

hearing and injunction issued on January 11, 1993 (App. A.p. 5).

Case No. 92-5346 denied petition for re-hearing on January 28, 1993(App.A.p.12.

Companion case No. 92-5245, Earlene Polyak William Boston and Boston Bates & Holt denied petition for rehearing on February 22, 1993 (App. A. p. p. 16).

No. 92-5245 involves the intentional discrimination against civil right of land owner to USDA federally alloted quota burley on Farm no. 3148 in holding alloted quota in after settlement by agreement in 1976, and seven year statute run for seventeen(17) years and to date.

During this time Petitioner has been intentionally discriminated in the holding of her investment in house located on her agreed partition without interest in her investment eight thousand one hundred ($ 100.00) improved value on on Tennessee Property Tax in December 1992, and to this date(App.A.p.21).

No.92-6530(D.C.:84-0082 Frank Hulen and

Wilna Lesnansky v Earlene Polyak(counter-claim) was denied Hearing En Banc on February 16, 1993. (App.A.p.22).

Case No. 92-6530(1:84-0082)is intentional discrimination to federal right to USDA alloted burley to land owner in law suit after division by settlement by agreement run under state law and State Statute Partition in Kind 29-27-177 for over seven (7) years App.B.p.44).

Case No. 92-6530(D.c. 1:84-0082) is counter-claim in Complaint filed in the U.S.District Court afer Petitioner denied Fifth, Seventh, and Fourteenth right of due process to investment in peoperty on land and federally alloted USDA burley to land owner to jury trial Seventh and federal protection of jury trial and compensation under Fifth and Fourteenth Amendments.

This Counter complaint was filed after Petitioner thought that the Honorable Thomas Wiseman stated that she could file.Counter-complaint filed after denial state laws providing for equal civil rights of due process pursuant to 42 U.S.C. 1443(1) and (2).

Case No. 92-6347/6525(1:84-0083 Earlene Polyak v Frank Hulen and Wilma Lesnansky is Complaint and Demand for jury trial for relief in damages against the "taking" of without due process of jury trial in the deprivation of civil and constitutional rights in "kind and severalty" Statue partition in Kind 29-27-1[illegible]7. This appeal has been denied Hearing En Banc of fifteen(15) copies of briefs on February 5, 1993(App.A.p.25).

Case No. 92-6347/6527(1:85-0127)Earlene Polyak v ThomaS Stack and Henry Henry & Stack for the negligence and malfeasance in the professional skil and care of Petitioner's constt-tutional right to due process of jury trial in deprivation of civil and constitutional rights This appeal for Hearing en banc with fifteen (15) briefs was denied on February 5, 1993.

In 1:85-0125, a partial hearing was dismissed without Defendants going taking the stand and without case going to the jury in directed verdict on June 3, 1988 App.A.p.24).

No. 92-6523(1:87-0075)Frank Hulen and Wilma

Lesnanaky(counter-claim) Hearing en banc with fifteen briefs was filed on December 29,1992.It is a counter-complaint filed by Petitioner in removal and Defense of order to sell Farm 3148 for her "interest therein" at Public Auction submitted by Robert Boston, son of William Boston, boston Bates & Holt, to the state judge, Jim Hamilton on August 21, 1987 App.A.p. 23).

Petitioner submitted counter-complaint and notice of removal to state court with good and sure bond, but District court received removal and complaint within four days on August 28,1987 which was held over thirty three days without filing until September 29, 1987.These dates are clearly stamped on by District Court on copy of complaint, but District Court continues to deny timely and proper removal pursuant to 28 U.S.C. 1443(App.A.p. 23).

On June 21, 1990, Petitioner received a delayed notice that one thousand nine hundred forty-six (1,946) pounds USDA burley lost on Farm 3148, six (6) days prior to deadline on July 2, 1990.(App.C.p.65).

This intentional discrimination to federal right to USDA burley after Petitioner had repor ted transfer of five hundred twenty-five (525) pounds without her signature in Agricultural Stablization and conservation Service(ASCS) without her signature in violationof the Agri-cutral Adjustment Act 1938 sec. 318 ir. 1987.

Again in 1988, Petitioner reported the tran-sfer of one thousand five hundred thirty-five (1,535) pounds without her signature.

Prior to this, Petitioner reported the sale of USDA burley raised on another farm, on Farm 3148 and in violation of Agriculture Act 1938 Title 18 Sec. 1001 Criminal Code in 1983.

Petitioner submitted complaint and Demand for Jury Trial for relief in damages in inten-tional discrimination against federal rights Public Law 102-166 passesd on November 21, 1991(App. B.p.56).

The District Court sau sponte dismissed the necessa Defendants in above cases in the intentional discrimination against federal right

Appeal No. 92-5084 (3-92-0074) Earlene Polyak v Edward Madigan U.S. Secretaty of the Department of Agriculture for intentional discrimination against federal right to USDA burley is briefed and pending(App. B.p. 59).

October6, 1992, The Honorable Thomas A. Higgins dismissed all cases from the District Court and would only allow appeal.All nine dismissals appealed at one hundred five ($ 105. 00) each (App.B.p.56).

After the hasty dismissal of all cases on June October 6, 1992, Judge Higgins signed order instructing the Clerk not to file any motions or papers on December 12, 1992 (App. B. 61).

Petitioner submitted a notice of appeal to this Supreme Court for injunction under Civil Rights Act of 1964, Public Law 102-166, but Deputy Clerk alleges that appeal went out seven (7) years ago(App.A.p.28).

A copy of the notice of appeal was not filed in the court of Appeals, and courtsey copy was not returned from District Court.

REASONS WHY WRIT SHOULD ISSUE

The reason why this writ of certiorari should issue is that it will be and aid to the Supreme Court in reviewing another aspect of race, age and gender discrimination in the intentional discrimination against federal rights of the disabled female land owner.

The land owner comes under Equal Employment Opportunity, and the Agricultural Adjustment Act of 1938, under the Civil rights Act of 1964 Title VI VII, which prohibits discrimination against disability sex age race and national origin.

The civil Rights Act of 1964, was amended to strengthen civil rights and 42 U.S.C. 1981 in the right of "a" party to sue, on November 21, 1991 in Public Law 102-166, which provides for compensatory and punitive damages.The above cases come under this new legislation.

The Court of Appeals has so far departed from the accepted course of judicial proceeding in the affirming of the denial of due process

and the deprivation of civil and constitutional laws and rights in all appeals, without ever hearing any appeal in oral argument in docket control, to set aside all orders of District Court, pursuant to Rule 60.02FRAUD(whether intrinsic or extrinsic) and misrepresentation by adverse party Federal Rules of Civil Procedure.

This disregard of intentional discrimination against federal rights in injunction against right to sue on January 11, 1993, is irreparable damage, which can never be regained, and calls for this Supreme Court to exercise its power in writ of certiorari to issue to review all cases pursuant Public Law 102-166.

1. THE COURT OF APPEALS AFFIRMS THE DISTRICT COURT DISREGARD OF INTENTIONAL DISCRIMINATION IN INJUNCTION IN IRREPARABLE DAMAGE AGAINST RIGHT TO SUE PUBLIC LAW 102-166

The Court of Appeals affirms the District Court disregard of intentional discrimination against federal rights without oral argument in issuance of injunction in irreparable damage against right to sue in violation of Public Law 102-166 in 92-5240(D.C. 1:85-0120, January11, 1993.

Petitioner does not have any knowledge or expertise in the legal profession, but she has reviewed the copy of the Civil cover Sheet submitted to the District Court verifies CAUSE OF ACTION:Deprivation of civil and constitutional rights provided in the Fifth and Fourteenth Amendments.No.1:85-0120(10647)

> The above case is being petitioned for removal from the Circuit Court of Lawrence Tennessee in conjunction with complaint Against Jim T. Hamilton, Individual and in Judicial Capacity,jointly and severly,and the circuit Court of lawrence County

Petitioner verifies copy from record with petition for removal....

> with copies of the proceedings,issues, parts of the record,Request for restraining order against sale of property,partial transcript of the prooceedings,Notice to Gerald WilsonCircuit ourt of lawrence County and to Larry Brandon,Attorney for Mr Evans and and bond.Jury trial requested.

> Bond:Earlene Polyak was not allowed to appeal 10647 by Mr. Gerald Wilson Circuit Court until she went to the County Court and brought copy of deed to (individual) forty acres and signed bond on October 10, 1984 Case No. 10647.

Petitioner verifies from old record that removal on ground that she had been denied by

state court proceedings her rights guaranteed by the laws providing for equal civil rights of the Citizens of the United of the United States 42 U.S.C. 1443.

Petitioner further verifies that counter-complaint for civil rights NO. 1:85-0120 Evans & Sons v Polyak, joined to 1:85-0116 Polyak v Hamilton et al., under 28 U.S.C. 1441(c)...is joined with one or more claims or causes of action,the entire case may be removed to District court.1:85-0120 filed after Judge Hamilton denied motion to forward records for Appeal as a Right Rule 3, TRcivP on November 12, 1985.

This case comes under federal court jurisdiction inoriginal jurisdiction of diversity of citizenship and 42 U.S.C. 1441(c).

The federal Courts have original jurisdiction in action involving the possession of land Massey v Watts,10 US 148,;McDonald v Smally;26 US 620; Holland v Challen 110 US 15, and action for partition for real property Beebe v Louisville N.O.& T.R.Co.39F 481.

The court of Appeals affirms the misrepresention of Counter complaint against the intentional discrimination against the deprivation of civil and constitutional laws and rights, when surveyor went upon petitioner's property without her knowledge or permission, to divide land on which USDA federal alloted burley grown on Farm V175493148), for sale at 'Public Auction.

> And some cases imply that permitting remand of pendent state claims denied defendant protection of removal statute and encourages manipulative dismissals. In Re. Greyhound Lines, 598 F 2 884.

In addition to federal courts having original jurisdiction in cases involving the partition of land, the Honorable Thomas Higgins took jurisdiction and opened case on October 28, 1987.

District Judge dismissed case while petitioner was in Cardiac Unit of University of Alabama Hospital waiting multiple heart by-pass surgery. She submitted motion for continuance and Western Union verifies Telegran received on Ocotber 27, prior to second dismissal on october 28, 1987.

The Court of appeals affirms District Court bias in taking 1:85-0120 from Complaint 1;85-0116 and suports misrepresentation with injunction against federal right to sue in a case without prosecution. Mr. Larry Brandon notified Case Supervision that he would not prosecuted 1:85-0120, and all notification to him is returned to the District Court.

Although case removed,Federal court has jisdiction to waive any requirements under Rule 60.02 FRcivp, and set aside all orders.

The federal court has original jurisdiction power of jruisdiction

> ...not whether case properly removed,but whether federal district Court had original jurisdiction had it been filed in that Court.Grubbs v Gen Electric corp.405 US 699 ...for intentional interference with in eritance. De Wittv Duce.1979 CAS Fla 599 F 2d676.And Federal Court has power to hear claims that would not be independently re movable. Watkins v Grover.CA 508 Fed 920 (1974)...federal courts do have jurisdict ion to entertain suits in favor of...heirs.. to establish claims.Markam v Allen 326US490 The jurisdiction of the district court aris- ing from diverstiy citizenship extends to the entire suit Wichita Light Co. v Public Utilities Co. Kans. 43 SpCt 41 260 U S 67 L Ed.124

2. THE COURT OF APPEALS DISREGARDS UNFAIR LITIGATION IN INTENTIONAL DISCRIMINATION AGAINST FEDERAL RIGHTS IN MISREPRESENTATION OF RES JUDICATA

The court of Appeals contiunue to affirm all dismissals in the District court in disregard for unfair litigation in intentional discrimination against federal rights in misrepresentation as res judicata in docket control.

In case No. 93-6530(1:84-0082 complaint was filed in District Court for the denial of due process and the deprivation of civil and constitutional laws and rights after the Honorable Thomas Wiseman stated it could be filed, But judge dismissed case after Robert Boston, son of William Boston,Boston Bates & Holt submitted materials from a state case as complete case. Appeals denied writ to correct records.

in Case No. 93-6347/6525 complaint submitted for partition in kind and severalty under Statute partition in kind 29-27-117.

> And the Court may...in accordance with the wishes of one or more cotenants, order an allotment of shares...in kind and severalty,and direct the sale of other portion if it is not susceptable to partition in kind.Vanderbilt v Molder 4 Tenn.Civ.App(Higgins(111 (1913).

The District Judge dismissed 92-5246(1:85-0116) awarding Judge Hamiltcn,state judge,Judicial immunity, and enjoin ing petitioner from filing further complaints in regarding her property in lawrence County.In a letter to John P. Hehman Clerk of the court of Appeals on April 30, 1986, the Judge stated, "That order was entered because of Ms. polyak's filing against the various persons in this Court...she should be severly sanctioned therefor." The Court alleges fifty appeals, but all appeals affirmed dismissal in the District Court on this order November 13, 1985 in **disregard for Right to Sue 102-106.**

In Case no. 92-6523(D.C. 1:87-0075) which Defendant timely removed order to sell civil and constitutional rights on her "interest therein" at public Auction submitted to Judge Hamilton on August 21, 1987 pursuant to 28 .S.C. 1443.

The District Court held complaint timely submitted within four(4)days and received on ugust 28, 1987,(33) thirty three-days before filing and dismissal on September 29, 1987

Case 92-6345/6527(1:85-0125 was dismissed after partial hearing without allowing due process of the attorneys taking the stand and with out allowing the case to go the the jury in a directed verdict June 6, 1988.The issue of the intentional discrimination against federal right to USDA alloted burley remains.

The issue of false testimony by Wilma Lesnansky, and Affidavit to reading notice of sale of property filed eithteen (18) days after hearing remains, with invalid transcript of proceedings May 31,1988,Judge denied new jury trial.

In 92-5245(1:86-0036, petitioner was subjected to pretrial conference before a Magistrate without notification and without her consent in violation of 28 U.S.C. 636(c)(1) instead of scheduled jury trial with fourteen witnesses on subpoena on June 20, 1988 All witness were paid.

Petitioner's Civil,constitutional rights and federal rights were sold within her " interest therin" without jury trial without any compensation, without notification, without notification

of time of sale, without notification of place of sale, and without notification of amount of proceeds,and without notification of entering order for right of redemption and Right of Appeal Rule TRcivP amd FRcivP.

In Rule 26 Exceptions to Res Judicata and Collateral Estoppel FRcivP provides that a part or all claims subsists as a basis for second action for the plaintiff in the following circumstances:

> (d) the judgment in the first action was plainly inconsistent with a fair and equitable implementation of a statutory scheme
>
> (e) For reasons of substantive policy in a case involving a continuing wrong,Plaintiff is given the option to sue from time to time for damages...

The injunction against right to sue for jury trial for relief in damages in punitive and compensatory damages is continuing wrong an irreparable damage which cannot be can ot be corrected"action which will affect interest in life,liberty or property protected by the due process clause of the Fourteenth Amendment. Mullane v Hanover Bank,339 US 306 314

70 S Ct 652 94 L Ed 865(1950).

The court of Appeals affirms the removal of various persons in the taking and sale of civil and constitutional rights in the sau sponte removal of necessary defendants without oral argument by the District Court in 3-92-0074 (Polyak v Madigan et al)

> Erie Rialroad v Thompkin requires federal court to give some equitable remedies in diverstiy case. The only qualification is that federal court have power to grant relief.Erie Railroad v Thompkin,(1980) Moores K.F. 8716.5 M 663.

3. THE COURT OF APPEALS AFFIRMS INTENTIONAL DISCRIMINATION AGAINST FEDERAL RIGHTS IN THIRD INJUNCTION AGAINST RIGHT TO SUE PUBLIC LAW 102- 166

The Court of Appeals has affirmed the dis-disregard for intentional discrimination against federal right to sue for due process against the deprivation of civil and constitutional rights to USDA federally alloted burley tobacco to Farm 3148,in first injunction by Judge Wiseman against further complaints regarding properties in Tennessee on November 13, 1985 without ever hearing for colorable claim.

The court of Appeals has affirmed injunction by the District judge in alleged fifty appeals in docket control without ever hearing one appeal for merit in cases,"...it is unusual for a court to bar the filing of further actions or appeals absent review showing the presence of a colorable claim...Richard Seymour,Lawyers committee for Civil RightsFebruary 17, 1993.

The Court of Appeals has severly sanctioned Pro se litigant in awarding Robert Boston one thousand one hundred ($1112.67) dollars and nine hundred fifty($950.00), fo hundred ($ 450.00) dollars , and doubled this amount in further sanction.

And on Robert Boston's motion to severly sanction after she presented proof that he represented numerous parties in lawrence County Chancery Court, Judge Higgins dismissed all cases, which required one hundred five dollars to appeal each of seven(7) dismissals. These various persons also sau sponte dismissals 3-0074 against Frciv

On October 6, 1992 District Judge dismissed

all cases, after petitioner motioned to correct record on docket sheets and transmittal forms which failed to show relief requested in 1:86-0036; 1:85-0075; 1;85-0120; 1:84-0082; 1;84-0083 represented by Robert Boston and instructed the clerk not to file any papers on December 12, 1992. This relief for punitive and compensatory.

When attorny recklessly creates needless costs,other side isentitled to relief 28 U.S.C. 1927.

CONCLUSION

Petitioner prays that writ of certiorari issue to set aside all orders above for disregard of intentional discrimination against federal rights and to schedule jury trial for relief for punitive and compensatory damages.And the alternative Petitioner prays taht she be reinbursed for all punitive and compensatory damages, and all docket fees,and time spent in appeals for the irreparable damage, and loss of right to sue.

On the 18th day of March, 1993.

Respectfully submitted,

Earlene Polyak

4063 Hood Road
Palm Beach Gardens
Florida 33410
(3130 627-3564

Certificate of Service

i certify that a true copy of this pleading has been mailed to the Solicitor General,Washington ,D.C. 2020530, Robert Boston 2100 One Commerce place, Nashville, Tennessee 37219,Samuel Warner, 119 1st Pulaski, Tennessee,38478,and the ATTORNEY General, Nashville, Tennessee 37219

Earlene polyak

STATE OF FLORIDA
COUNTY OF PALM BEACH

_____
NOTARY

My Comm'n expires:_____

APPENDIX A

In the United States Court of Appeals for the Sixth Circuit.

Buford Evans & Sons v Earlene Polyak(counter-claim) No. 92-5240(D.C.1:85-0120.

Order. January 11, 1993.

BEFORE: KEITH, NELSON and RYAN Circuit Judges.

Earlene Polyak v Jim Hamilton and the Court of Lawrence County 92-5246(D.C.1:85-0116).

Petition for Rehearing denied January 28, 1993.

Order:Denied August 18, 1992.

BEFORE:KEITH and BATCHELDER Circuit Judges,and HOOD District Judge.

Earlene Polyak v William Boston and Boston Bates & Holt No. 92-5245(D.C. 1:86-0036).

Petition for Rehearing denied February 22, 1993.

Order: Denied December 14, 1992.

BEFORE: KENNEDY and BATCHELDED Circuit Judges, and ENGEL Senior Circuit Judge.

Earlene Polyak v Edward Madigan,U.S.Secretary of the Department of Agriculture.

NO. 92-5240

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: EARLENE POLYAK

FILED JAN 11 1993

BUFORD EVANS & SONS

Plaintiff-Appellee

v

EARLENE POLYAK(counter-claim)

BEFORE KEITH NELSON and RYAN Circuit Judges

This case is before the court on Mrs Earlene Polyak's resopnse to a show cause issued by this court. The show cause order requested Mrs Polyak indicate why an injunction should not be entered against her filing continued frivolous litigation. We have examined Mrs. Polyak's response and it contains no arguments that would prevent the issuing of an injunction. Mrs. Polyak's repetitious litigation makes entry of such an injunction appropriate. See Lysiak v Commn, 816 F 2d 311 312-13(7th Cir 1987.

Upon consideration of the Court, it is hereby ordered that Mrs Earlene Polyak be enhoined from filing, instituting, continuing,

or prosecting any civil action in this or any other court in this Circuit without first obtaining leave of the court.

In seeking leave to file,Mrs Polyak shall certify that the claim she wishes to present new claims never before raised and disposed of on merits by any federal court.Such cliams may not related to or arise from the following. litigation from the partition sale of land in Tennessee inherited by Mrs. Polyak and her siblings as tenants in common, objections to fees or sanctions for which ordinary review has been exhausted, or claims against any state or federal Judge, Officer or employee for actions taken in course of the official duties exercised in con junction with Mrs Polyak's previous litigation. She shall certify that her action is taken in good faith and the claims she raises are not frivolous or malcious.

A motion for leave to appeal ahall be captitioned Application pursuant to Court Order Seeking leave to File, and Mrs polyak must affix a

copy of this order to that motion.Failure to comply strictly with the terms of this injunction will be grounds for summarily denying leave to file. claims considered malicious, frivolous or brought in bad faith may be ground for civil contempt proceedings.

The following procedures shall govern any appeals in this court filed by Earlene olyak until such time as the court may order ot rwise.

Upon timely receipt of a complete leave to appeal,the court shall direct the clerk of the appropriate lower court to transit the full record of the underlying case. No further proceedings shall take place in this court,nor shall any other filings be accepted,until this court has reviewed the petition and the record to determine whether Mrs. Polyak's appeal presents a color claim.This injunction applies to all appeals and other actions commenced after the date on which this order is filed.

ENTERED BY ORDER OF THE COURT
Signed Leonard Green

No. 92-5240

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BUFORD EVANS & SONS
Plaintiff-appellant FILED OCT 20 1992

v

EARLENE POLYAK

BEFORE: KEITH NELSON and RYAN Circuit Judges

Upon consideration of the court, it is hereby ordered that Mrs Earlene Polyak be enjoined filing, insitituting, continuing or prosecuting any civil action in this or any other federal court in this circuit without first obtaining leave of that court.

In seeking leave to file, Mrs Polyak shall certify that the claims she wishes to present are new claims mever before raised and disposed of on merits by any federal court. Such claims may not relate to or arise from the following: litigation originating from the partition sale of land in Tennessee inherited by Mrs Polyak and her siblings as tenants in common, objection to fees or sanctions for which ordinary review has been exhausted, or claims

aagainst any state or federal judge, officer, or employee for actions taken in the course of their official duties exercised in connection with Mrs. Polyak's litigation. She shall certify that her action is taken in good faith and that the claims she raises are not frivolous or malicious.

A motion for leave to appeal must be captioned "Application Pursuant to Court Order Seeking leave to file, and Mrs Polyak must affix a copy of this order to that motion. Failure to comply strictly with the terms of this injunction will be grounds for summarily denying leave to file. Claims considered malicious, frivolous or brought in bad faith may be grounds for civil contempt proceedings.

The following proceedings shall govern any appeals in this court by Earlene Polyak until such time as the Court may order otherwise.

Upon timely receipt of a complete petition for leave to appeal, the court shall direct the clerk of the appropriate lower court to transmit the full record of the underlying case. No

further proceeding shall take place in this court, nor shall any other filing be accepted, until this court has reviewed the question and the record to determine whether Mrs Polyak's appeal presents a colorable claim. This injunction applies to all appeals to all appeals and other actions commenced after the date on which this order is filed.

ENTERED BY ORDER OF THE COURT

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BUFORD EVANS & SONS

Plaintiff- Appellee FILED OCT 20 1992

V 92-5240

EARLENE POLYAK COUNTER-CLAIM

This pro se appeals from the district court order denying her Motion to Set Aside Order on New Evidence and Schedule Jury Trial"and her Complaint and demand for jury trial Demand" This Case has been referred to a panel of the court pursuant to Rule 9(a). Rules of the Sixth Circuit.. This panel unaminously agrees that oral argument is not needed FR AP. 34(a).

In 1985, Mrs polyak sought to remove a state court action in which a real estate Appraiser sought compensation from Mrs Polyak for professional services rendered on Mrs Polyak's behalf in her original attempt to prevent a partition sale of land she had inherited with her siblings in common. The district court denied the petition for removal in an order on

The district court remanded the case to the removal petition did not comply with 28 USC 1446, as it was not filed within thirty days,the amount in controversy was less that `10,000.00 the petition was not verified, ther required state court pleading s were not filed. Polyak moved to set aside the district court's 1985 order remanding the case to Tennessee state court.

Upon review, we find no error. The district court remanded this case because it was without jurisdiction under USC 1446. No amount of"new" or newly discovered evidence concering the merit can effect a cure. See Chilson v Metropolitan Transit Authority 796 F 2d 69(5th Cir 1986)(distinction between new and newly discovered evidence discussed) Polyak 's evidence is not new but but has been used over and over again by her in an attempt to relitigate the disputed property's partition (sic sale). Mrs claims are barred by res judicata. See Migra v Warren v Warren city School Dist Bd of Ed. 465 75 (1984)

The order of the district court is affirmed Rule 9(b)(3) Rules of the Sixth circuit

We take judicial notice of the fifty appeal and original actions filed by Polyak in this court. Polyak continues to file frivilous cases concerining the partition sale and its related litigation. These filings must end.We order that Polyak show cause in writing not later than thirty days from the date of this order why an injunction should not issue,prohibiting further appeals by Mrs polyak with regard to the Tennessee real estate, the state trial, or the state appellate procedures. A copy of the proposed injunction is attached hereto as an appendix.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

FILED JAN 28 1993

Plaintiff-Appellant

v

JIM HAMILTON, Individually,
and in Judicial Capicity,
as State Judge, and the Circuit
Court of lawrence county

BEFORE KETIH AND BATCHELDER, Circuit Judges,and
Hood District Judge.

The Court having received a petition for rehearing, and the petitin having been circulated not only to the original panel members but also to all of the active Judges of this Court, and no Judge having requested a vote on the rehearing en en banc, the petition for rehearing has been referred to the original panel.

The panel has further reviewed the petition for rehearing and concludes that all of the issues were fully considered upon original submission and decision of the case. The petition is denied.

ENTERED BY ORDER OF THE COURT
Signed Leonard Green, clerk

No. 92-5246

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK FILED AUG 18 1992

Plaintiff-Appellant No. 92-5246

v

JIM T. HAMILTON, individually,
and Judicial Capacity as
CIRCUIT JUDGE AND THE CIRCUIT
COURT OF LAWRENCE COUNTY

BEFORE: KEITH and BATCHELDER Circuit judges, and HOOD District Judge.

Earlene Polyak proceeding without assistance of counsel, appeals from the order of the district court denying her Motion to Set Aside Order on New Evidence and Schedule Jury Trial. This case has been referred to a panel of the court pursuant to Rule 9(b)(3)(a).

Seeking monetary damages injunctive relief and a protective order Polyak brought suit under 42 USC 1983, against a Tennessee Judge Jim T. Hamilton, and the Lawrence County Circuit Court. Polyak sought the restraining order to prevent partition sale of property inherited with her siblings as tenants in common which has been

the subject the subject of litigation in Judge Hamilton's Court. The district court sau sponte dismissed the complaint with prejudice, characterizing Mrs Polyak's case as frivilous malicious and harassing. The district court also enjoined Polyak from filling further litigation surrounding the state litigation involving the partition sale, without expresive permission of the court. This Court affirmed the district court's order dismissing Polyak's action, and denied her permission for hearing en banc on october 23, 1986.Petition for writ of certiorari was denied on July 29, 1987,and this Court's mandate issued September 26, 1987. A second petition for rehearing en banc dated September 28, 1987, seeking review of this court's affirmance of the district court was returned to mrs. Polyak because this court no longer had jruisdiction. A subsequent request to forward record, construed as motion to correct and modify the record on appeal was denied by the district court in July 1989.

In December 1991, Polyak moved to set aside the district court's order of dismissal on basis of new evidence. The district court denied Mrs. Polyak's request to reopen the case on grounds that no amount of new evidence can change the basic proposition that this action cannot be maintained, as asserted against a state judge and a state court, Upon review we find no error.

The order of the district court is hereby affirmed for the easons set forth in its memorandum dated December 31, 1991(Rul 9(b)(3).

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

FILED FEB 22 1993

V

No. 92-5245

WILLIAM BOSTON AND
BOSTON BATES & HOLT

BEFORE: KENNEDY and BATCHELDER, Circuit Judges,
AND ENGEL Senior Circuit Judge.

The Court having received a petition for re hearing en banc, and the petition having been circulated not only to the original panel members, but also to all other active Judges of this Court, and no Judge having requested a vote on the suggestion for rehearing en banc, the petition for rehearing has been referred to the original hearing panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised were fully considered upon the original submission and decision in the case.The petition is denied.

ENTERED BY ORDER OF THE COURT
Signed Leonard Green,Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

FILED DEC 14 1992

v

No,92-5245

WILLIAM BOSTON AND
BOSTON BATES & HOLT

BEFORE: KENNEDY and BATCHELDER,Circuit Jucges, and ENGERL Senior Circuit Judge.

This pro se plaintiff,Earlene Polyak, appeals from an order of the district court on January 30, 1991, order denying her motion to reopen this civil rights case.this case has been referred to a panel of the Court pursuant to Rule 9(a),Rules of the sixth Circuit.Upon examination, this panel unanmously agrees that oral argument is not needed Fed R. App. p 34(a).

Mrs Polyak's complaint against defendants was originally dismissed with prejudice for failure to attend a scheduled pretrial confeence. The date for final pre trial conference had been scheduled since June 27, 1989,and reconfirmed in an order entered on August 31, 1989. On September 14, 1989, Mrs Polyak filed a motion

to continue the pretrial conference alleging ill health. Instead of attaching verification of health problems,Mre Polyak incicated that she would make the details of her medical treatment available on the scheduled day of the trial.

Upon review, we find no abuse of discretion Buck v United States Dep't of Agriculture FHA 960 F2d 603,t08-9(6th Circuit). the arguments Polyak presents concerning the merits of her claim do not provide a basis for reinstating the case. The order of the district court is affirmed pursuant to Rule 9(b)(3) Rules of the Sixth Circuit.Mrs Polyak's suggestion that the case be considered en banc is denied.

ENTERED BY ORDER OF THE CLERK

Signed Leonard Green,Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED FEB 4 1993

IN RE: EARLENE POLYAK

Petitioner

No. 92-6707

BEFORE KENNEDY and GUY, Circuit Judges, and BROWN Senior Circuit Judge.

The petitioner a pro se litigant who has several appeals pending before this court, seeks writ of mandamus directing the district court to "correct records on appeal." She states that the docket sheet and transmittal forms prepared by the district court for her appeals do not reflect all of the relief she sought in the actions below and need to be corrected for purposes of appellate review. She additionally asks this court to set aside several orders of the district court and to direct the district court to schedule all of her actions for jury trials. We note the district court entered a series of orders on December 9, 1992 stating it had reached its limit in the petitioner's efforts to relitigate actions long since dismissed and instructingthe clerk of that court not to file

not to file any further submissions from the petitioner.She tehrefore asserts only this court can grant the relief she requests.

We conclude the petitioner is not entitled to mandamus relief.The record of the proceedings below,including all documents filed by the petitioner, are available to this court as part of the record on appeal.The reference to a document on the docket sheet or transmital form is not controlling and shall have no effect on our review.Thus it is not necessary to make the corrections sought by the petitioner,sucn matters are part of appellate process and cannot be made part of a separate review by means of a mandamus petition.

It is ordered that the petition for writ of mandamus is denied as frivilous.

ENTERED BY ORDER OF THE COURT
Signed Leonard Green,Clerk

No.92-8541

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED NOV 13 1992

EARLENE POLYAK
Plaintiff-Appellee

v

EDWARD MADIGAN,U.S. Secretary
of Agriculture

BEFORE: RYAN and SUHRHEINRICH,Circuit Judges
and ENGEL,Senior Circuit Judge.

The petitioner filed in this court an Application for Stay of Order for Petition for Title IV Review,which we construed as a petition for writ of mandamus directing the district court to stay proceedings in her civil action therin pending her efforts to gain appellate review of an interloctary order.Because a prior panel of this court had already denied her efforts to gain appellate review of the order, we denied the application on grounds of mootness.

The petitioner noe seeks a rehearing of her applciation.Although she argues that this court has direct appellate jurisdiction to review the district court order in question,she provides no legal basis for that assertion.Likewise,she fails to provide any other basis for future review in

It therefore is ordered that the petition for rehearing is denied.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK
Plaintiff

v

EDWARD MADIGAN, SECRETARY OF
U.S. AGRICULTURE

Submitted AUG 26,1992
form with App. For STAY
PUR.title iv review
but filing disregarded.

Appeal No.92-8541(D.C.
3-92-0074)
August 20, 1992

Attorney

EARLENE POLYAK 3179 Middlefield Dr.Trenton, Michigan (313) 676-3364

THE HONORABLE ERNEST WILLIAMS,119 9th St, Nashville, Tennessee

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NATURE OF ORDER
ADMINISTRATIVE REGULATION RULE MAKING

ISSUE PROPOSED TO BE RAISED

The enjoin of pro se litigant from filing complaints regarding enjoin by the Honorable Thomas A. WisemanChief Judge, and dismissable of all complaints on order by the Honorable ThomaS A. Higgins.This case unusual number 3-92-0074.All complaints against necessary Defendants dismissed on un usual number as above.Denial of stay of premature order for scheduling and to forward records.

RELIEF SOUGHT

Regular number for complaint abd for jury trial for relief;return of necessary Defendants to complaint;and then scheduling after review of motions denied. Application for Permission to appeal, and writ of mandamus to the Honorable thomas A. Wiseman,Chief Judge, served on The Honorable Thomas Higgins,and compensatory and punitive damage as set forth in complaintreturn necessary Defendats removed sau sponte by District Judge.

Law Offices of
LARRY BRANDON
528 North Walnut Street
Mufreesboro, Tennessee 37133-5065
February 21, 1986

Dear Mrs Henderson
United States Court of Appeals
Sixth Circuit
Cincinnati, Ohio 45202

Re: Case No. 85-6135
Bufore Evans et al
vs Earlene POlyak
District Court
No.85-0120

Dear Mrs. Henderson:

This letter will confirm our conseveration Friday, February 21,1986 whereby I indicated that I have no intention in participating in the appeal of Mrs.Polyak to the United States court of Appeals. Please enter this letter for the record. Thanks for your cooperation. I am,

Sincerely,
Signed Larry Brandon

Note: When Appellant stated that Mr. Brandon had not been relieved of defense (counter-claim) she stated that they were going to force any attorney to appeal case, and dismissal of this appeal followed without allowing for initial briefing of appeal. Appellant paid seventy-five($ 75.00) filing fee in the District court.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Ms. Earlene Polyak December 28, 1992
4063 Hood road
Palm Beach Gardens FL 33410

Re: Case No. 7607

In Re: Polyak
District Court No 84-00082
84-0083
85-00116
85-00116
85-00125
86-00125
87-00075
92-00074

Your petition for writ of mandamus has been docketed as case No. 92-6707.

Yvonne Henderson
Case Suprevisior

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: EARLENE POLYAK

FILED FEB 16 1993

FRANK HULEN AND WILMA LESNANSKY

V No 92-6530

EARLENE POLYAK(counter-claim)

The Court having received a petition for hearing en banc, and the petition having been circulated to all of the active Judges of this Court, and no Judge having favorde the suggestion,

It is ordered that the petition be and hereby is denied.

ENTERED BY ORDER OF THE COURT

Sifned Leonard Green Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: EARLENE POLYAK

FRANK HULEN AND WILMA LESNANSKY

v No. 92-6523

EARLENE POLYAK (counter-claim)

The court having received a petition for rehearing en banc, and the petition having been circulated to all of the judges of this court, and no judge having favored the suggestion.

It is ordered that the hearing en banc be and hereby denied.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: EARLENE POLYAK

EARLENE POLYAK

V

THOMAS STACK AND
HENRY HENRY & STACK

FILED FEB 5 1993

No. 92-6345/6528

The court having received a petition for hearing en banc, and the petition having been circulated to all of the judges of this court, and no judge having favored the suggestion

It is ordered that the petition be and hereby denied.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: EARLENE POLYAK

EARLENE POLYAK FILED FEB 5 1993

v NO. 92-6347/6525

FRANK HULEN AND

WILMA LESNANSKY

The court having received a petition for hearing en banc,and the petition having been circulated to all of the active Judges of this Court, and no Judge having favored the suggestion.

It is ordered that the petition be had hereby is denied.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green

No. 92-8541
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

Plaintiff-Petitioner FILED OCT 8 1992

v No.92-8541

EDWARDIGHA MADIGAN U.S.
Secretary of Agriculture et al.

BEFORE:RYAN SUHRHEINRICH, circuit judges and
ENGEL Senior Circuit Judge.

The petitioner is a proflic pro se litigant who has a civil action in the District Court. After that Court sau sponte dismissed certain defendants from the petitioner's Complaint, she applied for leave to appeal order. She also filed petition for writ of mandamus directing the district court to vacate that order. the district court entered order directing the parties to file scheduling order and and the petitioner filed a motion asking the district court to stay that order pending disposition of the application and petition before the court. The district court denied that order on August 20, 1992.

the petitioner has now submitted a docu-

ment "Application for Stay of order for Petition for Title IV Review. We construe that document as a petition for writ of mandamus directing the district court to stay proceeding.

the present petition is moot. the petitioner application for leave to appeal Case No. 92-8533 was denied by this court on August 10, 1992. The mandamus petition No. 92-5966 was denied on August 17, 1992. The basis for the petitioner's stay motion no longer existing there is no reason for this court to review the district court's denial of a stay.

It is ordered that a petition for a writ of mandamus is denied.*

ENTERED BY ORDER OF THE COURT

Signed Leonard Green Clerk

* This petition for TITLE IV REVIEW of the Administrative officers commissioners pursuant to Federal Rules of Appellate Procedure.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE:EARLENE POLYAK

BUFORD EVANS & SONS

V No. 92-5240
D.C.1:85-0120

EARLENE POLYAK(counter-claim)

NOTICE OF APPEAL

Appellant gives notice of appeal to the abuse of discretion in the injunction issued January 11, 1993, in disregard of federal rules and regulations in the intentional discrimination against federal right to United States Dept artment of burley tobacco quota pursuant to the Civil Rights Act of 1964,Title VI VII under which Equal Employment Opportunity, and Agricul tural Adjustment Act of 1938 prohibits discrimination against disability age sex race and national orgin as amended to strengthen civil rights and 42 U.S.C. 1981 in the right of "(a)"party to sue, on November 21, 1991.Court of appeals denies right of appeal.

This appeal is taken under Right of Appeal Rule 3 FrcivP, provided under direct appeal

under Civil right Act 1964 and as amended in Public law 102-166 to the Supreme court of the United States, and it is timely within ten (10) days and within thiryt days of order. No fee is required.The clerk has denied petition for rehearing 92-5240 injunction, and the Clerk of District Court denies filing any papers.

On the 28th day of January, 1993.

Respectfulyy submitted,

Earlene Polyak
4063 Hood road
Palm Beach Gardens
Florida 33410
(407) 627-3564

I certify that a true copy of this pleading has been mailed to Larry Brandon,283 Walnut Street, Mufreesboro, Tennessee 37901.

Earlene Polyak

APPENDIX B

In the United States District Court, Columbia Division, Middle District of Tennessee.

Buford Evans & Sons v Earlene Polyak (counter-claim) No. 1:85-0120.

Earlene Polyak v Jim Hamilton, Individually as State Judge, and the Circuit court of Lawrence County No. 1:85-0116.

Earlene Polyak v William Boston and Boston Bates & Holt No. 1:86-0036.

Earlene Polyak v Edward Madigan U.S. Secretary of United States Department of Agriculture No.3-92-0074.

Frank Hulen and Wilma lesnansky v Earlene Polyak No. 1:84-0082.

Frank Hulen and Wilma Lesnansky v Earlene Polyak (counter-claim) No. 1:87-0075.

Earlene Polyak v Frank Hulen and Wilma Lesnansky No. 1:84-0083.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

BUFORD EVANS

DEC 30 1991

v

No. 1:85-0120

EARLENE POLYAK

ORDER

In accordance with the memorandum ebtered, and insofar as plaintiff seeks to reopen the above styled case, her request to reopen this case is denied.

The Clerk is directed to file stamp a copy of the documents with the date of December 20, 1991, the date of this receipt, make entries on the docket reflecting the filing of these copies, and place the copies in the file in the above styled case.

It is so ordered.

Signed Thomas Higgins
United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

BUFORD EVANS & SONS FILED DEC 12 30 91

v

EARLENEPOLYAK COUNTER-CLAIM

MEMORANDUM

On December 20, 1991 plaintiff submitted a Motion to Set Aside Order on NEW EVIDENCE and a Complaint and Jury Trial Demand with attachments (sic NEW EVIDENCE). On those papers, plaintiff captioned the case with style Earlene Polyak v Jim Hamilton, Judge, Individually and Judicial Capacity, and the Circuit Court of lawrence county et al., She listed two case numbers 1:85-0116 which is case number Polyak v Hamilton, and 1:85-0120, which is no above.[2] In the body ot the her paper, she indicates she is joining these tro cases(sic case 1:85-0120 was joined under 28 U.S.C. 1441(c) to 1:85-0116.The cases are seprarate cases in this Court;they have not been consolidated otherwise joined. To the extent Mrs Polyak intends to submit these papers in both cases , the court is issuing sep-

arate memorandaand orders to correspond to two separate cases.

The above case was an attempt to remove a state court action(sic counter-claim) to this Court.By order entered November 27, 1985, the onorable Thomas A. Wiseman dismissed the case and remanded it to the Circuit Court of Lawrence County, Tennessee. In that order, Judge Wiseman held that removal (sic counter-claim) was not proper, because it was filed thirty days(when state court denied right of appeal Rule 3 FrcivP after her receipt of initiial pleading filed in state court. By order ay 2, 1986, Judge rescued himself from all cases filed by rs Polyak.

By order entered September 29, 1987, the Court set status conference in October 20, 1987. By motion filed October 20, 1987 plaintiff sought a continuance of status conference until April of 1988, which court denied the order entered October 27, 1987. When plaintiff failed (sic plaintiff was in Cardiac Unit of University of alabama and sent Telegram 10-27-87) to appear

There is no justification for reopening the at this point, in light of the complete lack of compliance with the removal statute 28 USC 1446 (sic 28 USC 1441(c).

To the extent that plaintiff seeks to re-open the above case the request is denied.

An appropriate order will enter.

Signed Thomas Higgins

2Next to case Number 1:85-0120 is (10647) in paraenthisis This number does not have relationship (sic Buford Evans & sons v Earlene Polyak denied forwarding records appeal in state court) On page 2, she state that Judge Hamilton....on December 26, 1984,denied forward records for appeal on on November 7, 1985 No....10647
It appears that this number relates to a state court order.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK FILRED 12-31-91

v No. 1:85-0116

JIM HAMILTON ET AL.,

ORDER

In accordance with the memorandum entered plaintiff's request to reopen the above-styled case is denied.

The clerk is directed to file stamp the the original documents with the date of December 20, 1991, the date of the receipt, docket the papers in the above styled case.The Clerk is further directed to return plaintiff the $120.00 check and a copy of her papers with the file stamp dated December 20, 1991.

It is ordered.

Signed Thomas A. Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED DEC 31 1991

v

JIM HAMILTON ET AL.

MEMORANDUM

Not to be deterred, plaintiff has initiated another attempt to reopen and relitigate a case that has been adjudicated in this Court. On December 20, 1991, Plaintiff submitted a Motion to set aside Order on New Evidence and Schedule Jury Trial and a complaint and Jury Trial Demand with attachments.Again, Plaintiff hsa submitted a $120.00filing fee, although it appears that she desires to reopen the above-styled case, rather that institute a new action.

In the above styled case, filed November 8, 1995, plaintiff sought to enjoin the sale of Lawrence county property by an action against the state court judge eho heard the state partiti tion suit. The case was dismissed by the Honorable Thomas A. Wiseman on November 13, 1985,

as being frivolous,malicious and harassing.That order was appealed to and affirmed by the Court of appeals for the Sixth Circuit and certiorari to the United States supreme Court was denied.

Plaintiff attempts to inject into a lawsuit the transfer of tobacco allotment on Lawrence County property,of which she was not aware of until 1990,after this case was dismissed.No amount of new evidence can change the basic proposition that this action cannot be maintained as asserted against a state court judge and a state court.

Plaintiff's documents will be filed in the above-styled case. Her request reopen this case is denied.

Signed Thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED 12 30 91

V

WILLIAM BOSTON et al.

ORDER

In accordamce with the memorandum entered the clerk is directed to file stamp the Motion to Set Aside Order, Complaint and Deand for Jury Trial Demand, and accompanying document(sic exhibits of new evidence) as of December 17 1991, return a copy to plaintiff with December 17 file stamp, and place them in the file for the above-styled case. The clerk is further directed to return the 120.00 check to plaintiff.

The motion to reopen this case is denied.

Signed Thomas Higgins

Note: At September 15, 1989 pretrial conference, the Court dismissed this case from the bench. A written order dismissing the action was entered September 18, 1991. And robert Boston submitted two trnascripts to the Court.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

EARLENE POLYAK FILED 12 31 91

v 1-86-0036

WILLIAM BOSTON ET AL.,

MEMORANDUM

In yet another case, plaintiff attempts to relitigate a case already adjudicated (sic no no trial) by this court. In latest attempt, she has submitted a motion to set aside the order entered on September 15, 1989, and September 18, 1991, dismissing the case and a complaint and jury trial demand with accompanying exhibit (sic New Evidence).

As with previous submittions it is not clear whether Mrs. Ployak intends to submit a new action or submit documents in the same case. Inasmuch as she has submitted a giling fee it would appear that she is attempting to file a new action. In as much as she indicates on civil cover sheet that she intended that this action br einstated or reopened, and inas

much as she submitted a motion to set aside the the dismissal of case, the court will treat the papers as tendered in the above stylled case.

Although the Court would hope that plaintiff would discontinue her attempts to reopen cases previously adjudicated (sic no trial) the court is realistic in considering that bt be a vain hope. For any future submissions plaintiff is advised that it is not necessary to submit a filing fee unless she intends to institute a new action. Even closed sases need not be acconpanied by a filing fee.

The above case was dismissed by order entered September 18, 1989, after a scheduled pre trial conference on September 15, 19889, at which plaintiff failed to attend. That order was appealed to the to the court of appeals for the Sixth circuit and affirmed.

at that hearing the Court emphaiszed that the September 15, 1989 date of pretrial conference had been scheduled since June 27, 1989, and reconfirmed in order entered on August 31, 1989. On September 14, 1989, Plaintiff had

filed a motion to continue the pretrial conference, alleging health problems. Alt ough she failed to attach verification of health problem she indicated that she would make the details of her medical treatment available on October 19, 1991. the scheduled date of the jury trial. it appeared to the Court that plaintiff anticipated a recovery between the time of pretrial conference and the date of date of jury trial. The Court stressed the importance of a final pretrial conference prior to the trial date. the Court found that plaintiff's motion to continue the pretrial conference was not well taken and because palintiff was not in attendance the case was dismissed.

The court will not now permit plaintiff to reopen a case that was dismissed for her failure to attend a scheduled pretrial conference.

TheClerk is directed to file documents and return filing fee of `120.00 to plaintiff.

The motion to set aside the final order is denied.

Signed Thomas Higgins District Judge.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK FILED OCT 6 1992

V 1:84-0082

THOMAS STACK

ORDER

The court has reached its limit with the plaintiff in this case and in other cases brought by Mrs. Polyak in this Court. This case has long been dismissed. there is no justiic-ation for plaintiff's continued efforts to relitigate what has already been litigated (no jury trial only directed verdict).There is no need for the court to review any further sub-missions by the plaintiff.The Court will not consider any further submissions by the plain-tiff to relitigate this case.

The clerk is directed to stamp file any papers submitted by the plaintiff to reopen this case, to amend any pleadings, to set aside for rehearing en banc or otherwise for injunction relief for reconsideration of any previous ruling for a new trial,or any similar papers

No action will be taken by the Court on any papers. If Mrs Polyak submits filing fee or any funds, the clerk is directed to return such funds to her without the necessity of an order of this Court. Provided, that should Mrs. Polyak submit any appeal fee in conjunction with any appeal in this case, the Clerk is directed to accept any such appeal fee.

Signed Thomas A. Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY

FILED OCT 6 1992

1:84-0082

v

EARLENE POLYAK

ORDER

On September 22, 2992, counsel for Frank Hulen and Wilma Lesnansky have filed a response to Mrs Polyak's Motion to Set Aside Final Order and Schedule Jury Trial on NEW EVIDENCE AND NEW LAW and ISSUE RESTRAINING ORDER AGAINST TRANSFER OF CONSITUTIONAL POSSESSED RIGHTS AND INTERESTS. By order entered September 23, 1992 this court denied Mrs Polyak's above motion(sic COMPLAINT AND DEMAND FOR JURY TRIAL FOR RELIEF IN DAMAGES).Although filed before entry of order , the response did not come to this court's attention UNTIL AFTER THE ENTRY ORDER.

In his response MMR BOSTON asks the court to sanction Ms. Polyak for scandalous and absolutely false insinuation that he in any manner threatened Mrs. Polyak's life. the court is sum-

pathetic to Mr. boston's outrage. As Mr. Boston can well imagine,sanctioning Mrs Polyak as appro priate as that may be would inevitably spawn add ddition̊al ancillary litigation, both in this court and in appellate courts--aresult contrary to this Court's efforts to curtail further litigation.

Ms. Polyak is admonished ordered and direc ted to refrain from any future assertions that are not grounded in fact.Should Mrs. Polyak fail to heed this admonition, order and direction the court will refer this matter or any related Polyak litigation to the United States Attorney for the purpose of instituing criminal proceedings against Mrs Polyak,

the court also in receipt of a PETITION FOR REHEARING EN BANC filed by Mrs Polyak on October 2, 1992 addressed to the Chief Judge (Honorable Thomas A Wiseman sic). In this submi ssion Mrs. Polyak responds to mr boston's response ans seeks a rehearing by the entire court of this Court's order September 23, 1992, in which the Court denied her MOTION TO SET ASIDE

FINAL ORDER AND SCHEDULE JURY TRIAL ON NEW EVIDENCE AND NEW LAW(sic PUBLIC LAW 102-166) AND ISSUE RESTRAINING ORDER AGAINST TRANSFER OF CONSTITUTIONAL AND FEDERAL RIGHTS AND INTERESTS(Document. 54,55.58).There is no authority for en ban

The court's also share shares Ms. (sic Mr. Boston's) frustrations with the relentless attempts by Mrs Polyak to relitigate what has already been adjudicated (sic no jur trial) and tn thrawt the efficient operations of the Court this case has long since been dismissed.There is no justification for her continued efforts to relitigate (sic no jury trial) what has already been litigated(sic no jury trial) in the court. There is no need for this court to review any further submissions by Mrs Polyak in this case.

the court will not consider any further submissions by Mrs Polyak to relitigate this case. The clerk is directed to file stamp any papers submitted by Mrs Polyak to reopen the case, to set aside anyprevious rulings in this case for injunctive relief,for reconsideration of any previous ruling in this case, for a new

trialor any other similar papers submitted in an attempt to ı litigate this case or any issues.No action will be taken by the court on any such papers, If Mrs Polyak submits a filing fee or any such papersthe clerk is directed to return such funds to her without the necessity of an order of the court. Should Mrs Polyak submit any appeal fee in conjunction with any appeal in this case the clerk is directed to accept any such fee.

Signed Thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND WILMA LESNANSKY

v

FILED SEPT 23 1992
1:84-0082

EARLENE POLYAK (counter-claim

ORDER

Ms. Polyak has again attempted to relitigate this case by her most recent submission, entitled MOTION TO SET ASIDE FINAL ORDER AND SCHEDULE JURY TRIAL ON NEW EVIDENCE AND NEW LAW AND ISSUE RESTRAINING ORDER AGAINST TRANSFER OF CONSTITUTIONAL AND FEDERAL RIGHTS AND INTERESTS received by the Clerk on September 18,1992.

This submi--ion is not the first time Mrs. Polyak has attempted to reopen this case.By order entered on March 21, 1991 her motion to set aside the judgment (no jury trial).

Ms. Polyak initiated this case in 1984 as an attempt to remove a state court action from the Chancery Court of lawrence county,Tennessee By order entered October 26, 1984 the court dismissed the removal petition as untimely(SIC THIS CASE NEVER TO STATE COURT) The judgment

is final(sic no jury trial) No amount of new evidence can alter the fact that the original removal petition was not timely filed(sic in 1984 District Court Court of Appeal to the state 42 usc 1443 (1)(2).

The MOTION TO SET ASIDE the final order in this case to schedule jury trial and to issue restraining order is denied. The Clerk is directed to file stamp the motion with date of receipt September 18, 1992, docket the motion and accompanying material(sic copies of fraud in burley tobacco in 9187-1988- 1990-1990 and violation of criminal code in 1983)and place all such papers in case file. The Clerkis further directed to return `120.00 filing fee to Mrs Polyak by certified mail.

Signed thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED MARCH 31 1991

V

THOMAS STACK AND
HENRY HENRY & STACK

ORDER

In accordance with the memorandum entered the Clerk is directed not to file the complaint submitted by the plaintiff as a new action,to return the $ 120.00 file fee,to file stamp the complaint and accompanying papers with the date and place them in the file of above styled case. To extent that plaintiff that seeks to amned the original complaint filed in this case or other wise reopen the case, such request is denied. Plaintiff's motion for protective order is denied.

Signed Thomas A. Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLLENE POLYAK

v

FILED MARCH 1991

THOMAS STACK

MEMORandum

Plaintiff has submitted an amended complaint and Demand for Jury Trial and accompanying documents. although the document submitted appears to be an attempt to amend the closed case, plaintiff tendered $ 120.00 filing fee.

A final judgment in this case was entered on June 6, 1988,upon Defendant's motion for directed verdict at the conclusion of plaintiff's case in chief. Plaintiff filed a motion for a new trial which was denied June 17, 1988.Plaintiff then appealed.During the pendency of the appeal,plaintiff filed an objection to Court's order,which the Court treated as a Rule 59(e) motion and denied it on December 2, 1988.the Court of appeals affirmed the judgment of this Court.

Not to be deterred,plaintiff submitted a

a complaint on January 12, 1990 asking that the case be reopened.By order entered January 22, 1990 the clerk directed the Clerk not to file the complaint and refused to reopen the case. Plaintiff appeled that order.Plaintiff attempted to appeal directkly to the United States Supreme Court, but was informed that the Supreme Court had no jurisdiction to file her appeal.

On January 8, 1991,plaintiff filed a new motion for a hearing en banc to set aside the directed verdict entered against her on June 6, 1988. by order of January 11, 1991 the Court denied plaintiff's motion.

In Plaintiff 's instant papers, she asserts new evidence pf negligence and malfeasance because a burley tobacco allotment was transferred without her consent causing her financial loss and new evidence of disability in that she was forced to prosecute her case in state court and in this court while she was in ill health.

Despite the efforts of this court to inform her of the preclusive of resjudicata and the finality of judgment,plaintiff seems to

continue to believe that she can refile the same case at any point.In fact, Plaintiff states on page 2 of her amended complaint that she has option of suing "from time to time" when there is a new continued and recurrent wrong.Plaintiff has amply demonstarated her belief in this proposition by her determination to file inumerable complaints based essentially on the same set of facts involving the partition sale of land in Lawrence county,ordered by Tennessee state court.

This Court's order of November 13, 1985, in Polyak v Hamilton applies to enjoin plaintif from filing any further action in this court regarding the partition sale of the Lawrence county property without the Court's permission. This most recent filing must be treated in the same manner as plaintiff's January 12, 1990 submission.

Signed thomas A. Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK FILED SEPT23 99

V

1:84-0083

FRANK HULEN AND WILMA
LESNANSKY

ORDER

Ms Polyak has again attempted to reliti gate (sic no jury trial) this case by her most recent submission) Motion to Set Aside Final Order and Schedule Jury Trial on NEW EVIDENCE and NEW LAW and issue restraining order against transfer of Consitutional Rights and and Federal Rights and Interests received on September 18, 1992.

The original complaint was filed on October 18, 1992. The Court dismissed the Complaint on December 3, 1984. After all of the cases brought by Mrs Polyak was reassigned to the underassigned, a status conference was scheduled for October 30(sic October 28, 1987. at which Plaintiff failed to appear. This case was dismissed for failure to prosecute

(sic Plainitiff in Cardiac Unit of University of Alabama and Western Union verifies telegram October 27, 1987 at 11:00 a.m.).

This submission is not the first time Mrs Polyak has attempted to reopen case. On February of 1991, the plaintiff filed a motion to set aside final order by order entered March 21,1991 her motion was denied,The rational for denying February 1991 motion applies. The plaintiff asserts that several defendants are necessary defendants in Polyak v Madigan 3-92-0074 currently pending before the Court. these assertions should be addressed in Polyak v Madigan.

The motion to set aside the final order in this case to schedule jury trial and to issue restraining order is denied.The Clerk is directed to file stamp the motion September 18, 1992 docket the motion and accompamying material NEW EVIDENCE of FRAUD .The Clerk is directed to return 120.00 filing fee to Mrs Polyak by certified mail.

Signed thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY

FILED OCT 6 1992

No. 1:87-0075

v

EARLENE POLYAK(counter-claim

ORDER

The Court is in receipt of a Petition for Rehearing En Banc filed by Mrs Polyak on September 26, 1992 addressed to the Chief Judge.By this submission, Mrs Polyak apparently seeks rehearing by the entire Court,in which the Court denied her Motion to sEt Aside Final order and Schedule Jury Trial on NEW EVIDENCE AND NEW LAW and Issue Restraining order against Transfer of Consitutional possessed Rights and Interests. There is no authority for an enbanc hearing, therefore the petition is denied.

The Court has reached its limits with Mrs. Polyak in this case and in other cases brought by Mrs Polyak in this court.This case has long since been dismissed. There is no justification for her continued efforts to religigate(sic no

jury trial)what has already been litigated(sic no jury trial) in this Court. There is no need need for this court to review any furthersubmissions by Mrs Polyakin this case.The Court will not consider any further submissions by Mrs Polyak to relitigate(sic no jury trial).

The Clerk is directed to stampfile any papers submitted by Mrs Polyak to reopen this case, to amend any pleadings, for rehearing, en banc or otehrwise for injunctive relief,for reconsideration of any previous ruling for a new trial, or any othe similar papers submitted in an attemptto relitigate (sic no jury trial) this case or issues therein. If Mrs Polyak submits afiling fee or any any funds with such papers the Clerk is directed to return such funds to her without necessity of an order from the court. Should Mrs Polyak submit any appeal fee in conjunction with any appeal the clerk is directed to accept any such appeal appeal fee.

Signed thomas A. Higgins.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

Plaintiff

v

FILED DEC 23 1992

No. 3-92-0074

EDWARD MADIGAN, U.S. Secretary
of Department of Agriculture

NOTICE OF APPEAL

Plaintiff gives notice of appeal to the abuse of discretion and conflict of interest in which the Honorable Thomas A. Higgins sau sponte removed necessary defendants in the intentional discrimination against federal rights in the "taking" of Farm V1754(3148) with United States Department of Agriculture alloted burley quota pursuant to Civil Rights Act of 1964, Title VI VII under which the Agricultural Adjustment Act prohibits the discrimination against disability sex age race and national origin as amended in Public law 102-166 in the 42 U.S.C. 1981 for the right of "(a)" party to sue.($105.00 fee).

Plaintiff believes Judge Higgins has sgain ruled on the Honorable thomas A Wiseman's order November 13, 1995, enjoining petitioner from fii-

ing further complaints regarding her properties in Tennessee, and has transferred this case in perjudice without her consent to a magistrate in disregard fo 28 U.S.C. 636(c)(1), and denied rehearing on December 12, 1992.

Plaintiff seeks relief in jury trial on all issues and the denial to file motions to correct the docket sheet to the Court of appeals.

On the 22nd day of December 1992.

Respectfully submitted

Earlene Polyak
4063 Hood road
Palm beach Gardens
Florida 33410
(407) 627-3564

I certify that a true coy of this pleading has been mailed to Ernest Williams U.S. Attorney 901 NIneth St., Nashville, Tennessee 37203.

3-92-0074

UNITED STATES DISTRICT COUT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

EARLENE POLYAK

V

FILED June 16 1992

3-92-0074

EDWARD MADIGAN ET AL.

ORDER

The court is in receipt of an amended compalint and Objections to this Court's order entered May 6, 1992 both filed by the plaintiff on May 29, 1992.

The court will contrue the plaintiff's objection as a motion to reconsider the order entered May 6, 1992, and as such denied the motion

In her amended complaint, the plaintiff notes that summons have been issued for and served upon defendants eff Beecham Jeff Hudson, Bobby Tidwell and Edward Madigan. She also lists the Attorney Gereral for the United States and United States Attorney for this district are listed as defendants. The Clerk shall issue proces for the Attorney General and United States Attorney.

Further, the plaintiff fourteen additional defendants most of which were the subject of this court's May 6, 1992 order. It appears that the plaintiff will pursue any means to relitigat the previous lawsuits already adjudicated (sic no jury trials) including attempting to bring in as defendants those parties against whom she already litigated and who do not appear to have any relevance to this particular case.

The court threrfore, sau sponte dismissed the following defendants in this case: Buford Evans & sons;Wilma Lesnansky: Frank Hulen: Jim Hamilton: Charles Burson: Gerald Wilson: Geneva Frisbee; Robert Boston· Waller Lansden Dortch & Davis; Willkiam Boston and Boston Bates & Holt: Thomas Stack and Henry Henry Henry & Stack: and the Lawrence County Advocate. Although no summon have issued and there have been no service on these defendants, and they have not entered app earances, the Clerk shall send copies of this order to these individuals.

As the court directed in its May 6 order,

the plaintiff may filed a motion asking that additional parties be added as defendants and that summons be issued for any and all of the people listed with support for her proprosition thst people are necessary defendantsin this law suit rather than simply defendants in previous litigated lawsuits filed in this Court.

Signed Thomas Higgins

UNITED STATES DISTRICTCOURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY
v

FILED OCT 6 1992

1: 84-008?

EARLENE POLYAK(counter-claim)

ORDER

The Court has reached its limit with plaintiff and in other cases brought by Mrs Polyak in this court.this case has long since been dismissed.there is no justification for plaintiff's continued efforts to religate(sic no jury trial) in this Court.There is no need for the Court to review any further submissions by plaintiff.The Court will not consider any further submissions by plaintiff to relitigate(sic no jury trial)

The Clerk is directed to stamp file any papers (sic New evidence submitted by the plaintiff to reopen this case,to amend any pleadings in the case, for rehearing, en banc or otherwise to set aside any previous rulings for an new trial or any similar papers submitted in a attempt to relitigate(sic no jury trial) this case or the issues therein.No action will

be taken by the Court on such papers(sic NEW EVIDENCE If the plaintiff submits a filing fee the Clerk is directed to return such funds without the necessity of a Court order. Should the plaintiff submit any appeal fees in conjunction with any appeal in this case the Clerk is directed to accept any such fee.

Signed thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED OCT 7 92

V

EDWARD MADIGAN U.S. SECRETARY
OF AGRICULTURE et al.,

ORDER

The order entered July 22, 992 requiring the submission of scheduling order is vacated.

the Clerk is directed to transfer this action to the docket of the Honorable Robert Echols United States District Judge.

The parties are directed to insert Judge Echols' name below the case number on all papers submitted for filing with this court.

Signed Thomas Higgins

United States District judge

APPENDIX C

In the Chancery court of Lawrence County, Tennessee.

Letter from Ben Boston to Geneva Frisbee, dated April 30, 1994 marked 1974 and attached.

No. 1974 Frank Hulen and Wilma Lesnansky v Earlene Polyak.

Letter from Mr.Jeff Beecham, Agriculture Stabalization and Conservation Service United States Department of Agriculture.

BOSTON BATES & HOLT

Wm Boston
Paul Bates
Charles W. Holt
Ben Boston

Ms. Geneva Frisbee:
Clerk & Master
Lawrence county Courthouse
NBU
Lawrenceburg, Tennessee 38464

Re: Earlene Polyak v Boston et al.,
Southern District of lorida
Case No. 91-8112 CIV-ZLOCH

Dear Ms. Frisbee:

Enclosed you will find a Final Order of Dismissal in this matter which my brother forwarded me and requested that I forward to you.Please do not become excited as we all know a final order of dismissal means nothing to Mrs. Polyak and there will certainly be additional pleadings to follow as long as she is alive. If you have any questions, please give me a call.

very truly yours,

BOSTON BATES & HOLT
B B
Ben boston

BB:cp
Enclosures

BEN:
Please Communicate
to my Clients
as underlined.
Thanks
Bd

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 91-8112-CIV -ZLOCH

FINAL ORDER OF DISMISSAL

EARLENE POLYAK
Plaintiff
v

WILLIAM BOSTON et al,
Defendants

This matter is before the Court upon the Motion to Dismiss, filed by William Boston, Boston Bates & Holt, Frank Hulen, Wilma Lesnansky, Robert Boston, Waller Lansden Dortch & Davis, and Jim Hamilton and Chancery and Circuit Courts; upon the Motion to dismiss pursuant to 12(b) FRCP(DE 4) filed by the Defendants Thomas Thomas Stack, and Henry Henry & Stack P.C.A Tennessee professional corporation upon federal Defendants Motion to Dismiss (DE 5 filed by Defendants, Jeff Beecham and Joseph Brown;and upon Federal Defendants Motion to Dismiss amended complaint and Memorandum of Law in Support threrof(DE 45) In rul ing upon these matters, this Court has considered the entire file and is otherwise advised of its premises

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Serv
LAWRENCE COUNTY ASCS OFFICE
826 N. Military Ave.
June 21, 1990

Dear Mrs Polyack, Phone 762-4226

Our records indicate that there has been no activity concerning the burley tobacco quota on the above farm number 3148 during the last four years. According to regulations governing burley tobacco quota, if the quota is neither grown or transferred during five year period,it will be forfeited permnately. As a result if you fail to either grow or transfer this quota in 1990 you will lose this 1946 pounds of quota permantly.

You are strongly urged to either grow or transfer this quota in 1990 to avoid it's loss. All transfers must be completed by July 2, 1990 deadline. there is abulletin board available to those wanting to post quota for transfer in the ASCS Office. This bulletin board has proven to be and effective method of contracting producers that wish to lease theri tobacco quota. If you have questions concerning the transfer

of burley tobacco quota please contact the Lawrence CountyASCS office at (615) 76-4226).

If you no longer own or operate the above farm(s) please inform this office in order that our records may be corrected. This will insure that a responsible person for the farm(s) is properly notified.

Sincerely,

Signed Jeff Beecham

County Executive Director

Earlene Polyak
3179 Middlefield Drive
Trenton, Michigan 48181
(313) 676-3364

May 6, 1987

Mr. Jeff Hudson Service District Director
United States Stablization and Conservation
Lawrenceburg, Tennessee 38464

Re: Rena Hulen Estate No. v 1754

Dear Mr. Hudson:

I would like to inform this office that I am one-third owner of the above styled farm, and that I have not given anyone power of attorney to act for me.

It is my understanding that Mrs. Wilma Lesnansky has already transferred 500 lbs.of the alloted poundage, by the u.S. Department of Agriculture, of burley tobacco to Frank Hulen without consulting third owner. I Also understand that all owners must agree to the transfer of alloted poundage to farm.

I believe that alloted poundage of burley tobacco to the above farm was sold without rent due me in 1983.

I do want to cooporate in leasing the

burley tobacco poundage to preserve the base for the farm, but I want to be recognized as owner and paid rent due to me.

I do not want to unnecessarily involve anyone in property dispute, but I have been obligated to defend myself against Frank Hulen and Wilma Lesnansky's law suit to sell my investment in this property, with their interest at Public Auction. This property was divided in settlement by agreement initiated by them in 1976, and I do not want to sell my agreed partition of this property in which I have invested in a retirement home in Tennessee.

I am sole owner of Farm No. V 1796, and would like to thank this office for the kind consideration for helping me with my farm crops and leasing of burley tobacco poundage.

Respectfully yours,

Earlene (Hill) Polyak